

FAA rulemaking docket FAA-1999-5401, Aging Airplane Safety, has been issued as an interim final rule and request for comments. In it, FAA has mandated certain inspection requirements for non-transport category aircraft operated in Parts 135 and Part 121, including an aging aircraft inspection and records review and that such aircraft be maintained pursuant to a program that includes damage-tolerance-based inspections and procedures.

Despite numerous a detailed industry comments to the docket detailing how difficult and how inappropriate damage-tolerance maintenance and inspection programs are for non-transport aircraft, FAA adopted the interim final rule. Curiously, in the rulemaking, FAA exempts 9 passenger seat or less aircraft and larger aircraft operated solely within the State of Alaska from complying with damage tolerance. Instead such exempted aircraft must implement an aging aircraft inspection program based on aircraft service history. The FAA fails totally in Docket FAA-1999-5401 to justify why such aircraft should have a service history program while similar non-transport aircraft seating 10 19 passengers operated outside Alaska must comply with damage-tolerance inspections.

There is plenty of evidence in the docket to justify exempting non-transport category aircraft from damage tolerance as long as such aircraft been inspected and maintained in accordance with some type of service-history program, and preferably that program should be one adopted by the manufacturer and mandated by the airworthiness authority of the type certificating country. For example, DeHavilland in conjunction with Transport Canada has incorporated a service-history based inspection program into the factory "EMMA" maintenance program for the Twin Otter, a program that meets ICAO standards based on service history, component life-limits, compliance with airworthiness directives, etc.

This submission seeks to reopen the issue of mandating damage tolerance maintenance and aging aircraft inspections for certain non-transport aircraft, certainly operated under Part 135 (sections 135.168 and 135.422) in favor of service-history programs.

By mandating a "one size fits all" approach, then setting a timeframe by which all non-complying aircraft must be retired, FAA has arbitrarily caused harm to many models of aircraft that can be continued to operate safely as long as there is an appropriate service-history program available to assure continuing airworthiness.